

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2333 of 2016 (O&M)

Date of Decision: December 02, 2016

State of Punjab and others

.....Appellants

versus

Sh.Jaswant Singh

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Rajesh Bhardwaj, Additional AG, Punjab, for the appellants.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The question that arose for consideration of the learned Single Judge was whether the deceased-army personnel, namely, brother of the respondent died as a result of 'Battle Casualty' or it was a case of 'Battle Accident'?

Learned Single Judge has held that it was a case of 'Battle Casualty' and while holding so, reliance has been placed on the appellants' own decision vide which the deceased-employee was taken to have died as a Battle Casualty, at the time of granting financial benefits to his mother. It is in this backdrop that the learned Single Judge has sent the matter back to the authorities to decide the same afresh by way of a reasoned order.

Since it is an admitted fact that brother of the respondent died while he was on duty in the State of Jammu & Kashmir and the army

authorities as well as the Government of Punjab treated it a case of Battle

Casualty, no case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

December 02, 2016
mohinder

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.4836 of 2016 in
LPA No.2333 of 2016

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State of Punjab and others versus Sh.Jaswant Singh

Present : Mr.Rajesh Bhardwaj, Additional AG, Punjab,
for the applicant-appellants.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 131 days' delay in filing the
appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

December 02, 2016
mohinder

(HARI PAL VERMA)
JUDGE